

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4492 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MADHUSUDAN M SHUKLA

Versus

STATE OF GUJARAT

Appearance:

MR BK OZA for Petitioner

MR HL JANI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/03/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioner prays for writ, direction or order as under:

"(A) directing the respondent State Government to extent the benefit of the Government

Resolution No.LGS 1068.A dated 18.2.1975
whereby it was resolved and directed to
transfer by way of sale on hire purchase
basis the quarters occupied by the
occupants in 'H' and 'L' colonies to the
petitioner as well;

(B) directing the respondent to transfer to
the petitioner by sale on hire purchase
basis the quarters in Government Blocks
at 'K' colony, Ahmedabad;

(C) granting such other and further reliefs
and passing such other and further orders
as the circumstances of the case may
require..."

3. The learned counsel for the respondent, relying
on the order of the Hon'ble Supreme Court dated 9.4.96,
made in the case of K.C. Parekh & Ors. v. State of
Gujarat & Ors., in S.L.P. No.13867-68/92, contended that
the petitioner has no right whatsoever for transfer of
the quarter on hire purchase agreement. I have gone
through the order of the Hon'ble Supreme Court and I find
therefrom that liberty has been given to the petitioners
therein to make a fresh representation to the State
Government or to appropriate authority in the matter and
further directions were given to the State Government, in
case such a representation is made, to consider the same
within a reasonable time and take a decision. The
learned counsel for the petitioner contends that this
writ petition may also be disposed of in the same terms.

4. In the result, this Special Civil Application is
disposed of in terms that in case the petitioner makes a
representation in the matter, to the respondent No.1, the
same may be considered and decided by the State
Government in accordance with law, within a reasonable
time, say within six months from the date of receipt of
the same.

5. The Special Civil Application is disposed of with
aforesaid directions. Rule stands disposed of
accordingly. No order as to costs.

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